

APPROVED: Meeting No. 37-97

ATTEST: *Paula S. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 34-96

September 9, 1996

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on September 9, 1996, at 7:36 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Mr. Kuckkahn introduced Hal Cranor, the City's new Public Works Director. Mr. Cranor previously served as Public Works Director in Burlington, Iowa. Prior to that, he was the U.S. Army's Public Works Director in Ft. Campbell, Kentucky. Mr. Kuckkahn expressed appreciation to Deputy City Manager Julia Novak who served as acting Director over the past several months. He also extended appreciation to the entire Public Works staff for working through the incredibly smooth transition period.

2. On September 6th, the Mayor and Council hosted the annual Volunteer Appreciation Party to recognize the many volunteers that serve the City. More than 300 volunteers fought through wind, rain and a change in the party's location (due to a power outage at Glenview Mansion). Mr. Kuckkahn said that this was a testament to the volunteers' persistence and dedication to the community.

3. The Rockville Football League's Opening Day will be held on September 21, at 3:00 p.m. at Dogwood Park. Former Washington Redskin Larry Brown will be on hand for the ceremonies and all are invited to attend the event.

4. The newly formed RBBA Fall Baseball League began September 8th at five locations throughout the City. Over 375 children in various age groups participate on 15 teams in this league.

5. Montgomery County New Year's Eve First Night Committee appointed Robert Mentz as their new Chairman. Councilmember Robert Dorsey is Rockville's representative and a Board member on the "First Night" Committee, and he has been keeping the City apprised of First Night activities.

6. The City celebrates Oktoberfest September 28-29 in Courthouse Square. This year's event is being sponsored by the Law Offices of Venable Baetjer & Howard. The growing success of Rockville's Oktoberfest celebrations is due in large part to corporate sponsorship such as that from Venable.

Meeting No. 34-96

3

September 9, 1996

7. Renovations to the F. Scott Fitzgerald Theatre lobby are near completion and the newly renovated lobby will be ready for dedication on September 20th.

8. Mr. Kuckkahn said that Public Works Director Hal Cranor would later be making a presentation on the Watts Branch Sewer project. Mr. Kuckkahn clarified for the record that the recent Open House events held on the issue were to inform and get the neighborhood involved early in the process. Some comments were heard that the Open Houses were staged as a substitute for the future worksessions or public hearings. Mr. Kuckkahn said that this was not true. By holding the Open Houses, the City was attempting to provide current and factual information so that residents could base their opinions on that information. The Watts Branch Sewer project was a complex one, and for a project of this complexity and size, it was important that citizens, city government and the development community work together in an environment that would promote trust among the various parties.

Mayor Krasnow commented that the Volunteer Party was a miraculous experience. She expressed regrets that the inclement weather prevented some of the City's volunteers from attending the party. When the power went out at the Civic Center, a decision was made only 40 minutes prior to the time when the event was to begin, to move everything to City Hall. Mayor Krasnow said that City staff did an incredible job along with the caterers in moving everything to City Hall and figuring out the logistics for making the party a success.

Meeting No. 34-96

4

September 9, 1996

Re: Proclamation declaring
September as **ROCKVILLE
SISTER CITY MONTH** in
Rockville.

Proclamation No. 19-96

By a unanimous vote of the Mayor and Council, September was declared "Rockville Sister City Month" in Rockville. Upon the request of the Mayor, Councilmember Marrinan read the Proclamation, the full text of which can be found in the 1996 Proclamation File of the Mayor and Council. The Proclamation was presented to Donna Hill, President of the Rockville Sister City Corporation.

Re: Proclamation declaring the week
of September 17-23, 1996 as
CONSTITUTION WEEK.

Proclamation No. 20-96

By a unanimous vote of the Mayor and Council, September 17-23, 1996 was declared "Constitution Week" in Rockville. September 17th marks the two hundred ninth anniversary of the signing of the Constitution of the United States by the Constitutional Convention. Upon the request of the Mayor, Councilmember Harrison read the Proclamation, the full text of which can be found in the 1996 Proclamation File of the Mayor and Council. The Proclamation was presented to Mrs. W.L. Mason, Regent and Laura Hersperger, Past Regent, Col. Tench Tilghman Chapter of the Daughters of the American Revolution. Ms. Hersperger invited all residents to take part in a bell ringing

Meeting No. 34-96

5

September 9, 1996

ceremony on September 17th at 4:00 p.m. at the Rockville Library.

Re: Proclamation declaring
September 14, 1996 as **SAFE**
KIDS DAY in Rockville.

Proclamation No. 21-96

By a unanimous vote of the Mayor and Council, September 14, 1996 was declared "Safe Kids Day" in Rockville. Upon the request of the Mayor, Councilmember Wright read the Proclamation, the full text of which can be found in the 1996 Proclamation File of the Mayor and Council. The Proclamation was presented to Kimberly Haven, President/Owner of Montgomery Meetings and Events. Ms. Haven invited everyone to attend a "Back-To-School/Family Fest" on September 14, 1996, hosted by Montgomery County to empower and educate parents and children in order to keep them safe.

Re: Progress Report on the F. Scott
Fitzgerald Centennial
Celebration Events.

Don Boebel, Co-Chair of the F. Scott Fitzgerald Centennial Committee, recapped the year's events beginning with the New Year's Day Brunch. Mr. Boebel said that September marked the most ambitious portion of the centennial plans, with many exciting upcoming events, beginning with a September 15th concert by the Rockville Concert Band and the presentation of the "One Act Play" on September 20. Mr. Moser

said that the Committee sponsored an art contest with the help of the Eileen Mader and the Rockville Art League. The Committee juried submissions from 23 artists, using the theme of the Roaring 20's and Mr. Moser introduced the three winners present in the audience: Connie Willard, Deanne Sellerosi, and Estelle McKuckan. The Flappers and Philosophers Ball, hosted by Rockville Arts Place, will be held September 27 at Glenview Mansion. A short ceremony unveiling the Second Day Issue of the twenty-three cents F. Scott Fitzgerald stamp will be held on September 28th. Mr. Boebel said that also on September 28th, a Literary Conference will take place at Montgomery College's Rockville campus. The Conference involved a number of activities including a movie, workshops, a concert by The Village Jazz Band and piano music during an evening cocktail party. In addition, Congresswoman Connie Morella will present William Styron with the first F. Scott Fitzgerald Literary Award.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Dick Haight, former Rockville Councilmember said that he watched the August 5th General Session regarding the issue of the Residential Townhouse Application RTH96-0017, and he recalled memories of long-ago developments where residents at that time fought against proposed development in the Rockshire community. He said he watched the Mayor and Council struggle with the RTH issue and he said that they just might find that this was an issue involving a lot of noise made by just a few people. He

urged the Mayor and Council to approve the RTH application. Mr. Haight then expressed concern about Rockville Center Inc.'s plans to not build in downtown Rockville until they had leases from potential business owners.

2. Gloria Atlas, President, Orchard Ridge Civic Association and representing the Rockville Public Safety Coalition. Ms. Atlas expressed concern about the number of recent break-ins in homes the vicinity of the Central Processing Unit Pilot Project located at the Montgomery County Detention Center (MCDC). She said that the person responsible for the break-ins was quickly apprehended due to the outstanding awareness of the community and the excellent response by City of Rockville Police. However, Ms. Atlas said that the break-ins raised questions about the decision to include the Central Processing Unit as a reuse of MCDC. She asked that Councilmember Wright make this topic a priority at the Detention Center Reuse Task Force meeting on September 11th.

3. William Meyer, 804 Leverton Road recommended that the Mayor and Council approve the bid from the Strategic Workplace Skills Group and Carter Consulting to work with the Visioning Process. Mr. Meyer said that as a member of the Visioning Steering Committee, he knew that everyone worked hard to get to this stage and it was important to continue the process by bringing the consultant on board to assist the committee.

Mr. Meyer asked about Consent Agenda Item B, a bid award for asphalt and concrete improvements. He asked if this was for a specific project as he thought that

the City awarded its concrete improvement program through another company a few weeks back, for a larger amount.

Mr. Meyer thanked Mr. Kuckkahn and staff for responding to his comments about changes to the Storm Water Management requirements, and he hoped that the Stormceptor system would be included as possible SWM alternatives. Mr. Meyer then commented on the RTH application to build townhouses. He said that for a long time it had been the City's intent to sell the land to Montgomery County for its best use, residential development.

Re: Appointment

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Phillip Hesser was appointed to serve on the Human Rights Commission.

Re: Approval of Minutes

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Minutes of Meeting No. 28-96 (June 27, 1996) were approved as amended.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Minutes of Meeting No. 29-96 (July 8, 1996) were approved as amended.

Re: Consent Agenda

Councilmember Marrinan requested removal of Consent Agenda Item B. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

Meeting No. 34-96

9

September 9, 1996

- (A) Award of Contract
 To: Consolidated Computer Investors, Inc.
 Of: Hanover, Maryland
 In the amount of: \$89,715

For: Computer equipment and software per the terms and conditions of Montgomery County Contract No. 13572.

- (C) Award of Bid #C-72522/RWC
 To: Global Petroleum Corp.
 Of: Waltham, MA
 In the amount of: \$29,332.80

For: Provision and delivery of diesel fuel.

- Re: Item (B) - Award of Bid #5-97
 To: Trans-Metro Construction
 Of: Upper Marlboro, Maryland
 In the amount of: \$39,902

For: Asphalt and Concrete Improvements.

Councilmember Marrinan requested removal of Item B in order to address the question raised earlier about the City's asphalt and concrete improvements program. Recreation and Parks Director Burt Hall said that the contract referred to by Mr. Meyer was for a public works project involving concrete to make improvements to City sidewalks and driveway aprons. The Trans-Metro bid award was for ten specific asphalt projects at City-owned facilities, and it was under the responsibility of the Recreation and Parks

Maintenance Division. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the bid was awarded to Trans-Metro Construction.

Re: Award of Request for Proposal
#86-96

To: Strategic Workplace Skills
Group and Carter Consulting
Of: Fort Collins, Colorado
In the amount of: Not to exceed
\$75,000

For: Consultant work for the
Visioning Process.

Mayor Krasnow explained that the Visioning Steering Committee (VSC) was appointed by the Mayor and Council and charged with accomplishing specific actions to aide in initiating the Rockville visioning process. Specifically, the tasks were to select a consultant to assist in the visioning process; name and design the process; and select the stakeholders. A Request for Qualifications was issued to twenty firms and the VSC agreed to request formal proposals from each of the four responding firms. The VSC worked with staff to prepare a comprehensive Request for Proposals which was issued to the four firms. The Committee's recommendation to the Mayor and Council was that an RFP be awarded to two firms: Strategic Workplace Skills Group and Carter Consulting.

Mayor Krasnow introduced those members of the VSC who were present in the audience: Walt Davis, Nancy Keefe, Ray Whalen, Melissa Opryszko, Todd McKenzie, and Bill Meyer. Mayor Krasnow read from a paragraph of a letter from

Meeting No. 34-96

11

September 9, 1996

Strategic Workplace Skills Group:

Trend is not destiny and it is our firm belief that those communities which take the time and energy to describe and create their desired futures are the communities in which people can thrive. It is not simply what the vision is but what the vision does for communities. When a community establishes a vision, people coalesce, become energized and ignite with enthusiasm.

Mayor Krasnow hopes will happen in Rockville; however, she said it would take the participation of many citizens. Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the Request for Proposal was awarded to Strategic Workplace Skills Group and Carter Consulting.

Re: Discussion and Instructions to Staff - Text Amendment TXT96-0156, Mayor and Council of Rockville, Applicant.

To Amend Section 25-18 of the Zoning Ordinance to permit monopoles for telecommunications antennas to exceed the height limit for the zone in which they are located when they are on City-owned property.

Andrew Cole, Community Development's Administrative Assistant, reviewed specific points in his memo which responded to the Mayor and Council's questions and concerns raised at the July 22nd General Session. Regarding the structural safety of monopoles, Mr. Cole said that staff was unable to document a single instance in which a monopole fell as a result of storm or a mechanical flaw, and the risk of a

monopole falling was negligible. The question of safety to the surrounding area was pivotal in dealing with the one unresolved issue regarding set-back requirements. Mr. Cole said that a number of alternatives were available if the Mayor and Council desired to build in some flexibility to accommodate Bell Atlantic/NYNEX's request to place a monopole at Redgate Golf Course.

Following extensive discussion, the Mayor and Council directed that staff prepare an Ordinance adopting the Text Amendment to allow monopoles to exceed the height limit designated for the zone in which the structure is located when they are on City owned property and are set back from the property line at a distance equal to their height. The Text Amendment should also include language for allowing some flexibility to be built in, to be decided by the Mayor and Council on a case by case basis. Councilmember Harrison suggested that the Mayor and Council plan to undertake a review of the telecommunications legislation sometime in 1997, to discuss how the telecommunications industry will impact to the City.

Re: Adoption of Resolution
approving the agreement to sell
Lot 7 to Rockville Center, Inc.

Resolution No. 12-96

Mayor Krasnow explained that the Resolution was for an agreement to sell the property. Several conditions would still need to be met prior to closing and transferring the title for the property, because there was an unresolved issue concerning

Meeting No. 34-96

13

September 9, 1996

parking. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Resolution authorizing the execution of an agreement for the sale of Lot 7 (legally referred to as Lot 15, Block B, City Center) was adopted. A copy of the full text of Resolution No. 12-96 can be found in Resolution Book No. 11 of the Mayor and Council.

Re: Discussion and Instructions to
Staff - Exploratory Application
for Residential Townhouse
Development RTH96-0017,
Montgomery County
Government, Applicant.

For 23 residential townhouses on
Wootton Parkway, west of
Edmonston Drive.

Mayor Krasnow said that at the August 5th General Session, the Mayor and Council had indicated their desire to make an on-site visit to the property and to notify all the adjoining property owners about such a visit. The City Attorney advised the Mayor and Council after that meeting, that the public hearing process had already been undertaken, and the official record had closed. Thus, the Mayor and Council could not take part in what would have been a "roving" public hearing. The President of Hungerford-Stoneridge was notified that the record was closed and a visit to the site would not take place.

The Mayor and Council generally agreed that the Residential Townhouse Development Application RTH96-0017 met the standards of the RTH overlay procedure.

However, the following concerns were noted:

- Councilmember Marrinan said that the Mayor and Council had publicly announced their desire for an on-site public meeting, and in effect, had raised some resident's expectations for such a meeting. There may have been some residents who were not informed about the change in a timely manner and he suggested that some attempt be made to communicate to all of the concerned individuals. He noted that the Mayor and Council had previously scheduled a Walking Town Meeting on October 5, and he suggested that residents may want to bring up the issue at that time. Mr. Marrinan also said that the Residential Townhouse Overlay was not a zoning change. There was still a remaining process (the Detailed Site Plan review) that would take place and this needed to be made clear to the residents. Mr. Marrinan also said that when Wootton Parkway was built, one design element that was stressed at that time, was that the Parkway would have very limited egress and access to assure smooth traffic flow.
- Councilmember Harrison noted that during his seven years on the Planning Commission, he saw a number of RTH applications presented; the RTH procedure worked very well in some cases, and in other cases, it was more a source of problems than solutions. He suggested that the Mayor and Council address under "New Business," a proposal to establish an

Meeting No. 34-96

15

September 9, 1996

immediate moratorium on the use of the Residential Townhouse Development Procedure. (Clerk's Note: See page 19)

- The Planning Commission should ensure during the Detailed Plan Review stage, that the turning lanes accessing Wootton Parkway were adequate for the site.
- The Planning Commission should ensure that the townhouses are market rate and will be similar to the overall price of those being offered in the Tower Oaks development.
- That the residents of Hungerford-Stoneridge have the opportunity for access to the bike path and the walking path along Wootton Parkway.
Councilmember Harrison suggested that a footbridge for the development be explored.
- Staff was asked to follow-up on an earlier Mayor and Council suggestion to establish legislation requiring buffers on the City streams and buffers on City park land.
- Councilmember Wright asked that his comments made at the August 5th General Session be considered as part of the instructions to staff.

Staff was instructed to draft a Resolution approving Application RTH96-0017, for adoption on September 24, 1996.

Re: Authorization for partial release
of utility easement areas at
Tower Oaks subdivision.

Director of Public Works Hal Cranor said that it was recently learned that during construction of townhouses at the Tower Oaks subdivision, the front stoop/steps of three townhouses encroached into a public utility easement. Due to the encroachment on the easement, a clear title report and loan cannot be obtained for the three townhouses, all of which are now occupied. After reviewing the "as-built" survey information of the existing utilities, staff determined that if maintenance was required in the vicinity of the encroachment, the City did have the resources to allow safe access to the utility line. Staff's recommendation was that the Mayor and Council authorize the release of easement areas for the three townhouses.

The Mayor and Council expressed the following concerns:

- Is there a possibility of other units which were already built that also had stoops built into the City easement? (Mr. Cranor said it was his understanding that there were two other units involved; one was a model unit and one was still undergoing construction).
- Staff should be able to rectify the problem for the other thirteen planned units that are not occupied, without having to request an additional waiver from the Mayor and Council.
- Is the proposed administrative fee of \$1.00 for releasing the easements

Meeting No. 34-96

17

September 9, 1996

adequate? Councilmember Dorsey suggested a higher fee which would discourage this type of encroachment from happening in the future.

- Staff was asked to develop a system for determining an appropriate cost to the City for having to resolve future encroachments into public utility easements.

The Mayor and Council agreed that the administrative fee of \$1.00 for each of the three units was appropriate since these units were already occupied. However, staff was asked to bring back information regarding the developer's proposal for rectifying the encroachments on the two remaining units. The developer will have to rectify future situations even if it meant changing the Detailed Site Plan.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council authorized the partial release of easement areas for the three units at Tower Oaks subdivision.

Re: Present background information and project status for the Watts Branch Sewer Alternatives Analysis.

Hal Cranor presented background information and a status report on the Watts Branch Sewer Alternatives Analysis. He noted that future development within the Watts Branch watershed was limited by the available capacity of the existing sanitary sewer trunk main which was installed in the 1960s. There is sufficient capacity to allow for partial development of the King and Thomas Farms; however, there was un-allocated

capacity of this sewer system. Based on Penrose's projected rate of development, this capacity will be used by 1999. No other development other than the limited amount reserved by the King and Thomas Farm Annexation Agreements can occur in the Watts Branch basin until the sewer is upgraded.

Mr. Kuckkahn said that staff would develop an information package containing additional issues for the Mayor and Council to discuss at a future Worksession.

The issues to be addressed are:

- Whether the City can perform both projects at the same time.
- A breakdown of the initial costs and maintenance costs of the sewer expansion is needed.
- The time frame (earliest and latest) for when the project would take place.
- An estimate of how long would it take for the area to be re-forested.
- Additional information is needed about the Metrorail construction work that Mr. Cranor informed the City about, that would take place past the stream area, which could involve the City's sewer system.
- It has frequently been asserted that storm water was a Rockville issue and that water and sewer was a WSSC issue and the City did not have to take care of this. Why is there now a sudden urgency in expanding the sewer line?
- If WSSC were to build the second line, would they manage it or would the City "inherit" a second line and maintain it as well?

- Regarding the Shady Grove Metro capacity issue, could Montgomery County expand the sewer line that runs through the North Rockville forest? Would they have to look elsewhere for the capacity or build a separate line to meet up with the City's line somewhere else? The issue of ownership needs to be determined.
- Breakdown of the costs involved for the project. Include information on how the environmental impact was assessed and what the costs were for environmental harm, e.g., working through the stream beds.
- How the sewer upgrade project would be worked on - what area would be first.

Staff was instructed to set up a date for a Worksession. Once the Mayor and Council decide on an alternative, a public hearing will be held.

Re: Correspondence

There being no items under "Correspondence," Mayor Krasnow declared this portion of the meeting closed.

Re: New Business

1. Proposed Moratorium on Residential Townhouse Development

Applications - Upon motion of Councilmember Harrison, duly seconded and unanimously passed, a moratorium was imposed, effective immediately, on the acceptance of all applications for Residential Townhouse special development procedures. The moratorium will be in place for a six month period. The Mayor and Council directed that the Planning Commission study the RTH special development procedure during the moratorium period,

provide the Mayor and Council with periodic status reports on their study, and to make recommendations to the Mayor and Council for modifying the RTH procedure. Staff was asked to bring forth a Resolution on September 24, which would ratify the Mayor and Council's action this evening.

2. Proposed Meeting with Hungerford-Stoneridge Neighborhood Regarding RTH96-0017 Application - Councilmember Marrinan expressed concern about how best to convey the change in the Mayor and Council's decision about holding an on-site meeting in the Hungerford-Stoneridge neighborhood, per the City Attorney's advice. City Attorney Glasgow was asked to summarize the process which had taken place and that a letter be sent to the Civic Association and those persons present at the Public Hearing.

Re: Adjourn to Executive Session

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, with Mayor Krasnow, Councilmembers Dorsey, Harrison, Marrinan, and Wright voting "aye," the Mayor and Council adjourned at 10:50 p.m. to reconvene immediately thereafter in Executive Session pursuant to Section 10-508(a)(7) of the State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice.